

MINUTES

CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

MARCH 1, 2010

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m., Acting Chairman Jim Liberman presiding. Upon roll call, the following responded:

Present:

Acting Chairman Jim Liberman
Steve Lichtenfeld, Aldermanic Representative
Craig S. Owens, City Manager
Marc Lopata
Ron Reim

Absent:

Chairman Harold Sanger
Scott Wilson

Also Present:

Jason Jaggi, Acting Director of Planning & Development Services
Kevin O'Keefe, City Attorney

Acting Chairman Liberman welcomed everyone to the meeting. He asked that all cell phone ringers be turned off or muted and that conversations take place outside the room so as not to disrupt the meeting.

MINUTES

The minutes of the February 16, 2010 meeting were presented for approval. Marc Lopata asked that the following changes be made: Page 5, revise second sentence of last full paragraph to read "He referred Mr. Richman to ASHRAE *Advanced Energy Design Guide*." Page 8, revise third paragraph to read "Marc Lopata asked if that means they are exempt from issues such as air, shading *and massing*." Page 9, revise fourth paragraph to read "Marc Lopata reiterated his concern with shading *and massing*. He stated he also questions how it will fit with the back yard setbacks. He stated he would approve the addition if the neighbors approved it, but it seems as though that is not the case and recommends that the motion be to table this until the neighbors have had a chance to review. *He commented that the massing from the north is twice the size of the original house.*" Page 11, revise third from last paragraph to read "Marc Lopata asked for a schedule and stated that he is aware this needs to move forward, *but it has taken a back seat to finalizing the Planning*

Director's position." The minutes were then approved, as amended, after having been previously distributed to each member.

SITE PLAN REVIEW/ARCHITECTURAL REVIEW BOARD – NEW CONSTRUCTION –
SINGLE FAMILY RESIDENCE – 215 LANCASTER

Tyler Stephens, project architect, was in attendance at the meeting. Also in attendance were the owners, Greg & Jennifer Hewett.

Jason Jaggi explained that the project consists of the construction of a 2-story, approximately 30 feet in height, 4,938 square foot brick single-family residence featuring a three-car below grade, side entry garage. The site measures approximately 8,817 square feet and is located in Clayton Gardens. The existing site contains 35.4% impervious area; the new plans show impervious coverage at 45% of the site. The existing storm water runoff is 0.47 cubic feet per second. Storm water runoff on the proposed site plan will increase to 0.51 cubic feet per second (a difference of 0.04 CFS). Storm water from the downspouts and driveway trench drain will be piped to the existing storm sewer within the Lancaster right-of-way. Surface drainage is shown via a new side yard swale on the south side of the property. Trash will be stored in an enclosure off the driveway. The applicant is proposing to use a geo-thermal HVAC system which will not require exterior mechanical equipment. A total of 101-caliper inches of trees are to be removed which require replacement. Included in these removals are two (2) mature Sweet Gum trees. Three (3) trees are to remain that are located along the back property line. The landscape plan provides a replacement of 102 caliper-inches. Three (3) River Birch shade trees are proposed as replacements in addition to 15 smaller species of trees. One street tree will be impacted by construction and is shown to be protected. The applicant is proposing height mitigation through an increased side yard setback. The required side yard setback is 7.1 feet. The applicant is proposing an additional 3-feet on the north side and an additional 5-feet on the south side. The landscape plan shows three river birch trees in the south side yard to further mitigate the height difference. The Urban Design District limits impervious coverage to 45% of the total lot for below-grade side entry garages. The proposed impervious coverage is shown at 45%. This portion of Clayton Gardens slopes from north to south. The impervious coverage and run-off are increasing and the applicant is proposing a storm sewer connection and a new side yard swale to handle the increased run-off and redirect surface water toward the front of the property away from the neighbors to the south. The storm sewer connection will require some disturbance to the tree lawn across the street fronting 212 Lancaster. The contractor should notify the adjacent property owner in advance of the work being performed. A shared driveway access easement exists between this property and the property to the north at 219 Lancaster. The plans indicate that this shared access will be maintained throughout construction per the easement agreement. The proposed site plan requires the removal of several trees including two large Sweet Gum trees which are in good condition. The applicant is proposing a mixture of medium shade trees and smaller deciduous varieties to replace the caliper inches. The street tree which will be impacted by the site work will need to be protected during construction. Jason indicated that staff recommends approval of the site plan with the following conditions:

1. That the contractor notify the adjacent property owners of the disturbance to the tree lawn associated with the sewer connection located within the right-of-way prior to commencement of the work.

2. That the property owner at 219 Lancaster be provided access to their driveway during construction in accordance with the filed easement deed.

Mr. Stephens introduced the owners to the members and began a PowerPoint presentation. The first slide depicted photographs of the front elevations of the subject site (with existing structure) and the structures to either side. He stated the block is in a transitional state and explained that the block elevations are shared in pairs based on shared driveways.

Steve Lichtenfeld asked Mr. Stephens to explain the swale on the south side of the property.

Mr. Stephens explained that there is currently a concrete swale/trench drain between the two properties that runs to the street and that this swale was added as part of the planning process, as the existing concrete swale will most likely not be there forever.

Steve Lichtenfeld asked if it is designed to take all the water to the street.

Mr. Stephens noted that the new swale terminates in the front yard. He indicated that the back yard is depressed and because of this, a trench drain has been added there as well.

Steve Lichtenfeld indicated that it seems as though water from the rear yard will flow towards the neighbor's property.

Mr. Stephens referred to the swale in the rear yard.

Steve Lichtenfeld noted that he missed that swale.

Marc Lopata asked the expected flow rate of the trench drain.

Mr. Stephens indicated that he did not have that calculation. He stated that the civil engineer for the project accounted for all the water from the neighbor's yard and that the trench drain will catch a good deal of water.

Jason Jaggi informed the members that the run-off calculations are shown on the plans.

Marc Lopata asked if the three river birches are in the swale.

Jason Jaggi referred to the comment on the drawings that the trees are located outside the swale.

Marc Lopata asked if the trees will be closer to the property line or closer to the house.

Mr. Stephens noted that they have a 12' side yard to work with.

Marc Lopata asked if the concrete box will be replaced.

Mr. Stephens replied “no”. He stated that the box is not on the subject property. He stated that when 213 is redeveloped, the yard will most likely raise.

Marc Lopata asked for clarification that no additional coverage can be on this lot if this site plan is approved.

Jason Jaggi concurred. He stated that the 45% coverage proposed for this lot is the maximum allowed for this project on this site.

Ms. Susan McGowan, 8317 University Drive (last house on the block), indicated that her property catches all the water and that the French drain that runs the entire length of her property is a godsend. She asked what side of the privacy fence the new swale will be located.

Marc Lopata informed Ms. McGowan that the swale will go inside the fence on the subject property.

Ms. McGowan commented that she has been impacted by development before and is concerned about drainage and potential water damage to her property. She asked that all the boundary lines be observed during construction. She mentioned that she will be taking pictures of her property.

Mr. Stephens informed Ms. McGowan that the water situation should get better as a result of this development. He showed Ms. McGowan and other interested parties the location of the swale on the site plan.

Acting Chairman Liberman indicated that it is a good idea that Ms. McGowan take pictures.

Mr. Stephens informed Ms. McGowan that City staff is very attentive to citizens’ concerns and assured her that no dirt will be disturbed on her property and that the City goes to great lengths to ensure the best possible solution is taken to alleviate run-off onto adjoining properties.

Mr. John Hartwig, 219 Lancaster, stated that he received notice of this meeting from the City late last week (note: agendas were mailed to all property owners within 200 feet of the subject property last Monday, February 22nd). He stated that the prior owner erected a board fence along the property line which acted as a dam as it sat 1” from the ground and that 4” was cut off the bottom of this fence. He stated that hydrology is an issue in this area. He asked what a generator pad is.

Mr. Stephens indicated that a generator pad is a concrete pad a generator sits on. He reminded everyone that a geothermal system is being used for this house so there will be no outside HVAC units.

Mr. Hartwig asked about noise from the generator.

Mr. Stephens informed Mr. Hartwig that the generator will only provide back-up service should electricity be lost.

Mr. Hartwig asked that the 7.1' side yard setback be explained.

Mr. Stephens indicated that side setback lines are determined by the width of the lot; this lot requires a 7.1' side yard setback from the property line.

Mr. Hartwig asked if the cross easement is being reduced.

Mr. Stephens replied "no".

Mr. Mont Levy, 224 Lancaster, commented that it is clear that the City and developer has gone to great lengths to alleviate water run-off; however, from his own experience when the house to his north was constructed and run-off became a problem, he was told by the City that it was his problem. He asked if a re-review of the water drainage situation can be conducted in one year.

Acting Chairman Liberman indicated that he believes that goes beyond the authority of this Commission.

Dr. William Gossling, 8401 University, commented that this discussion is about side effects and that he has had water problems himself. He referred to water problems along Crandon Drive/Gay Avenue. He stated that he would like to support a larger drainage project to help alleviate water problems. He stated that this is an engineering problem and the construction takes longer than one thinks.

Mr. Sander Kovacs, 212 Crandon, indicated he received no notice from the City (note: an agenda was mailed to him at two different addresses-one being 212 Crandon). He stated that at one time, there was a plan to install a 6 or 12" drain at the rear of the Crandon properties which was never accomplished.

Mr. Stephens noted that there will still be water problems and that work can only take place within the subject property. He stated that water from other properties cannot be controlled by new development.

Mr. Kovacs asked if the City is satisfied with the information offered by the plans, because he is aware that previous designs could not handle the amount of water that flows through the area.

Jason Jaggi reiterated that the new development provides two methods to mitigate water that the current site does not – 1) downspouts will be piped to the storm sewer, and 2) new swale. He noted that MSD sets standards and provides guidance.

Marc Lopata asked if the new swale has been signed and sealed by a civil engineer.

Jason Jaggi replied “yes”.

Marc Lopata asked about notification.

Jason Jaggi informed the members that notifications (agendas) were mailed out to all property owners within 200 feet last Monday, as is done with all agenda items for every meeting.

Marc Lopata asked about the noise from the generator.

Jason Jaggi informed Marc that a separate permit for the installation of a generator is required (mechanical) and that Clayton is subject to the County’s noise ordinance. He indicated that the generator will run test cycles periodically.

Marc Lopata commented that the mulch will wash out if it is at the bottom of the swale.

Mr. Stephens stated that he will discuss that with the landscape architect.

Mr. Kovach asked about the geothermal system.

Mr. Stephens indicated that pipes go deep into the ground and that a geothermal system is much more efficient than a traditional HVAC system.

Dr. Gossling indicated that he is suspicious that geothermal units do not create noise as he hears one that sounds like a freight train. He said the noise is irritating.

Mr. Pete Hennessey, project contractor, informed the members that the geothermal pump is the size of his fist and that the noise it makes cannot be heard more than 3 feet away.

Being no further questions or comments, Marc Lopata made a motion to approve the site plan per staff recommendations. The motion was seconded by Ron Reim and unanimously approved by the members.

The architectural aspects of the project were now up for review.

Mr. Stephens presented samples of brick, stone, window (wood clad-maple syrup [cream] color) and asphalt shingle roof (gray).

Steve Lichtenfeld commented that it is a great looking house, but it feels like 3 stories from the street view. He noted that he is aware that it is within the allowable height.

Jason Jaggi indicated that part of the reason it seems so tall is because of the slope of the street.

Mr. Stephens stated that the level of the house is dictated by the driveway and that they could not reach an agreement with the owners of 219 to re-do the driveway. He stated that he incorporated horizontal design elements into the structure to help make it appear less vertical.

Acting Chairman Liberman asked the floor to floor height.

Mr. Stephens replied "10 feet".

Steve Lichtenfeld commended Mr. Stephens for the design elements. He added that this is a continuing problem in that structures appear too large but meet the guidelines. He noted that the first floor elevation of this house is above the roof level of the house to the south.

Mr. Stephens concurred.

Marc Lopata commended the use of the ground source heat pump. He asked if they were considering seeking Energy Star Certification (noting they did not need to respond to that question. He asked if the fireplace is functioning.

Mr. Stephens replied "yes".

Marc Lopata stated that it will not draw correctly.

Mr. Stephens indicated that once it heats up, then it works fine.

Acting Chairman Liberman asked if there were any other questions or comments.

Hearing none, Ron Reim made a motion to approve as submitted. The motion was seconded by Steve Lichtenfeld and unanimously approved by the Board.

ARCHITECTURAL REVIEW – ROOFTOP ANTENNA INSTALLATION – 150 N. MERAMEC AVENUE

Mr. Steve Ward, representing Clearwire, was in attendance at the meeting.

Jason Jaggi explained that the applicant is proposing to add three panel antennas, three microwave antennas and one cabinet to the rooftop of an existing six-story office building. Two antennas are proposed along the northern edge of the roof, three are proposed at the western corner of the roof, and one is proposed at the southern corner. The cabinet is proposed along the southeastern edge of the existing penthouse and will stand approximately six feet when mounted on a raised steel platform. Proposed antennas are 5 feet tall and will be mounted to the exterior of the existing screening wall. The antennas will be mounted to the exterior of the existing screening wall and will be visible from the street. Plans indicate that the antennas will be painted to match the color of the existing screening wall. Existing antennas and cabinet on the rooftop of the building at the subject property will be protected during construction and staff recommends approval as submitted.

Mr. Ward indicated that this is a Y-Max internet system which Sprint will market as 4G service. He indicated that the microwave antennas are small (two are 2' in diameter and the third one is 1' in diameter).

Hearing no questions or comments, Steve Lichtenfeld made a motion to approve as submitted. The motion was seconded by Marc Lopata and unanimously approved by the Board.

CONCEPTUAL REVIEW – CENTENE GARAGE WIND WALL – 7700 FORSYTH BLVD.

Mr. Dan O'Connor, Koman Group, was in attendance at the meeting.

Jason Jaggi explained that this is a request for conceptual review of the design and materials associated with a new façade treatment to the Centene Plaza parking garage, which is currently under construction. The Architectural Review Board previously approved the design of the garage façade on November 17, 2008. At the time, the developer proposed frosted eco-resin panels to be placed on the exterior of the garage facing Forsyth. In addition, the garage has been approved to be 11 levels (2 below grade) and 116-feet in height containing 1,667 parking spaces. The developer has since commissioned artist, Ned Kahn, to study this structure in order to apply his "Wind Wall" design, which features moving metal pieces that are be wind-activated. This system of small metal panels will be attached to the face of the garage portion of the structure; the lower level commercial space will not be affected. The artist has applied this concept of moving metal pieces to several buildings nationally including the Pittsburgh Children's Museum, the International Trade Center and the Gateway Village, both in Charlotte, as well as the Target Center in Minneapolis. The developer will provide background information on the artist as well as his previous works and will present a concept for the Centene Plaza Garage. It is anticipated that the developer will request formal approval for this concept at the March 15 or April 5th Architectural Review Board meeting. The City has always been concerned with the appearance of this large parking structure facing Forsyth. The developer is offering a solution which would be very unique for the Central Business District and could draw considerable attention to this structure. The Architectural Review Board should review the concept and seek information from the developer regarding the visual integrity and possible concerns involving durability, light reflectivity, and noise impacts associated with the moving pieces. Staff recommends reviewing the proposal and providing the developer input regarding the design and materials of the proposed parking garage façade.

Mr. O'Connor began a PowerPoint presentation. The first few slides depict Mr. Kahn's resume and examples of his work, noting that the wind wall on the Minneapolis Target Center is what is being proposed for the Centene Garage. He indicated that there is virtually no noise from these panels and no rust, as the hardware is constructed of stainless steel. He indicated that the Forsyth Court area wall and the wall to the south of the shaft tower (bump out) will be a matte black.

A PowerPoint video of the Minneapolis building with the panels in motion was shown.

Marc Lopata asked if this change is being requested to save money.

Mr. O'Connor replied "no"

Marc Lopata asked how long the wind walls on the other locations have been up.

Mr. O'Connor replied "since 1994".

Steve Lichtenfeld asked how far out from the concrete these panels will be.

Mr. O'Connor replied "approximately 2 feet".

Marc Lopata asked about maintenance.

Mr. O'Connor indicated there is no maintenance, except for maybe a power wash every 5 years or so.

Marc Lopata asked what happens when the panels degrade from sunlight.

Mr. O'Connor indicated that they are very easy to replace.

Marc Lopata asked what happens if the wall begins to look bad in the future.

Jason Jaggi indicated that at that point, it becomes a property maintenance issue.

Steve Lichtenfeld asked if lighting would be proposed.

Mr. O'Connor replied "yes"; LED up-lights behind the fabric. He stated that the lighting would provide a "glow", but not a "hot spot".

Steve Lichtenfeld asked how far apart the light fixtures would be.

Mr. O'Connor replied about every 8 feet.

Jim Liberman commented that it is very exciting.

Steve Lichtenfeld asked if any computer simulations were done.

Mr. O'Connor replied "yes"; he indicated that there will be a considerable amount of movement as there is a tunnel effect due to the Pierre LaClede towers.

Steve Lichtenfeld asked how large the panels are.

Mr. O'Connor replied 4" X 4".

Marc Lopata asked if this is being requested because it will look better.

Mr. O'Connor replied "yes".

Mr. O'Connor suggested the members visit the artist's website.

Craig Owens commented that the video was very effective.

Marc Lopata stated that with regard to the single family residential project that was presented this evening, the house was too large and too many trees were lost and the only reason he voted in favor of it was because it was within the boundaries.

Ron Reim stated that it is clear from this evening's meeting that there are storm water problems in that neighborhood.

Jason Jaggi informed the members that this particular project has been the subject of reviews by the City since last year and that an attempt was made by the City a few years ago to secure easements to install a new storm sewer in the area, but was unsuccessful in securing those necessary easements.

Marc Lopata asked when the ordinances {governing coverage, storm water and landscaping} would be presented.

Jason Jaggi indicated that the previously complex draft landscape ordinance has been simplified and is close to being ready for re-presentation; with regard to the impervious coverage regulations, staff will be proposing reducing the maximum total coverage to 50% (vs. 55% currently) and, with regard to storm water mitigation, allowing no additional run-off for new residential construction and no more than an additional 0.5 cfs run-off for single family additions unless BMPs are utilized. He stated that the next step would be to invite developers, citizens and others to provide input regarding these proposed changes.

Marc Lopata asked if a time schedule could be prepared and provided.

Jason Jaggi replied "yes"; he stated that this has been delayed a bit due to other circumstances.

Steve Lichtenfeld suggested reviewing what is acceptable to build, as we are seeing larger homes on smaller lots.

Jason Jaggi commented that some lots are difficult to develop and that the UDD Standards have been maximized.

Steve Lichtenfeld suggested that the recourse Mr. Levy mentioned may be worthwhile looking into.

Jason Jaggi indicated that a condition of approval of a re-review of the storm water mitigation could be implemented, similar to that of tree protection/preservation.

Kevin O'Keefe stated that he does not know how to quantify it unless he knows the solution beforehand and, a year after construction is completed, the developer is out and most times, the owner is in. He stated that no matter what, water will flow onto others properties and he would find it difficult on how to pre-legislate effective solutions.

Marc Lopata stated that developments are supposed to be designed so that no additional water flows over the property line.

Kevin O'Keefe indicated that a property owner has the right to cast off water so long as there is reasonable use of the property.

A discussion ensued about storm water issues.

Marc Lopata stated that the City should stand up for the neighbors and it is the City's job to protect homeowners from additional water problems. He stated that the City's ordinances are written so water run-off does not have a detrimental impact on the adjacent properties. He stated that he does not believe a property owner should have to resort to filing a complaint in the court system at their own expense to settle disputes that the City should have prevented in the first place and that every property runs off, to a degree, onto a neighbors' property, the street or a storm sewer and that is something people need to be aware of when they purchase a house in any city. If new development is allowed to result in a decrease in run-off, then that is contrary to our ordinances and that by offering the homeowner a recourse by filing a court case or because MSD chooses to do nothing should not relieve the City's obligation to enforce the ordinances. He feels that is something the Plan Commission has the right to review and approve or not approve. He reiterated that projects can be engineered so as not to increase run-off.

Craig Owens referred to the City's land disturbance requirements, noting that sites equal to or greater than one acre are required to secure a land disturbance permit.

Marc Lopata noted that there are very few lots in Clayton that are 1 acre or more and that the City's ordinance says that development cannot cause damage to neighboring property and by ignoring the impact of increased storm water from all these new developments that are too large for the lots they are being built on (resulting in tree loss, increased coverage), the City is neglecting its responsibility to control the detrimental impact on the storm water system itself and that it is not okay to do this even though other cities do.

Being no further business for the Plan Commission/Architectural Review Board, this meeting adjourned at 7:45 p.m.

Recording Secretary